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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

PAYWARD, INC.;
PAYWARD VENTURES, INC.,

Defendants.

Case No.: 3:23-cv-06003-WHO

Judge: Hon. William H. Orrick III
Hearing Date: June 12, 2024
Time: 2:00 p.m.
Place: Videoconference

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE HEARING ON
MOTION TO DISMISS AND INITIAL
CASE MANAGEMENT CONFERENCE**

1 Plaintiff Securities and Exchange Commission (“SEC”) and Defendants Payward, Inc. and
2 Payward Ventures, Inc. (together, “Kraken” and with the SEC, the “Parties”) stipulate as follows:

3 **WHEREAS**, on November 20, 2023, the SEC filed a complaint in the above-captioned
4 action against Kraken (ECF No. 1);

5 **WHEREAS**, on December 8, 2023, the Court issued an order setting the initial case
6 management conference (“CMC”) for February 20, 2024 (ECF No. 17);

7 **WHEREAS**, on January 18, 2024, the Court entered an order, pursuant to the Parties’
8 Stipulation, stating that Kraken was to notice the hearing on its Motion to Dismiss for June 12, 2024,
9 at 2:00 p.m. (ECF No. 21), and the Court also entered a separate order continuing the CMC to the
10 same date and time (ECF No. 22);

11 **WHEREAS**, on February 22, 2024, Kraken filed its Motion to Dismiss and noticed a hearing
12 date of June 12, 2024 at 2:00 p.m. (ECF No. 25);

13 **WHEREAS**, due to scheduling conflicts, the Parties have met and conferred and agreed to
14 request the Court to continue the date of the CMC and the hearing on Kraken’s Motion to Dismiss
15 to June 20, 2024, or a date thereafter that is convenient for the Court;

16 **WHEREAS**, the Parties have also met and conferred and agreed to request, pursuant to
17 paragraph 3 of the Court’s Standing Order for Civil Cases, that the Court hold the CMC and hearing
18 on Kraken’s Motion to Dismiss in person;

19 **WHEREAS**, the Parties respectfully submit that an in-person hearing will assist the Parties
20 in presenting their arguments to the Court;

21 **THE PARTIES STIPULATE AND REQUEST AN ORDER**, pursuant to Civil Local
22 Rules 6-1(b), 6-2, 7-11, and 7-12, as follows:

23 1. The CMC and the hearing on Kraken’s Motion to Dismiss be continued to June 20,
24 2024 or a date thereafter that is convenient for the Court; and

1 2. The CMC and the hearing be held in person.

2 DATED: May 14, 2024

3 Respectfully submitted,

4 CLEARY GOTTlieb STEEN &
5 HAMILTON LLP

SECURITIES AND EXCHANGE
COMMISSION

6 By: /s/ Matthew C. Solomon
7 Matthew C. Solomon

By: /s/ Peter Moores
Peter Moores

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15 *Counsel for Defendants Payward, Inc. and*
16 *Payward Ventures, Inc.*

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~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The hearing is set for **June 20, 2024** at 10 a.m. in person.

Dated: May 15, 2024

By: 

HON. WILLIAM H. ORRICK III
UNITED STATES DISTRICT JUDGE

FILER'S ATTESTATION

I, Matthew C. Solomon, am the ECF User whose ID and password are being used to file this Joint Motion. In compliance with Civil Local Rule 5-1(i), I hereby attest that concurrence in the filing of this document have been obtained from each of the other signatories.

By: /s/ Matthew C. Solomon
Matthew C. Solomon